IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5032 of 2005

Between:

Banoth Narayana, S/o.Tulsia
R/o.Rangapuram (V) Palvancha (M) Khammam District.

..... PETITIONER

AND

1 The Govt., of AP., Rep. by its Prl., Secretary of Commerce and Industries, Secretariat, Hyderabad.
2 The District Level Committee rep. by its Chairman, Z.P.Khammam.
3 The District Collector, Khammam Khammam District.
4 The District Panchayat Officer, C/o.ZP Office, Main Road, Khammam.
5 The R.D.O. Palvoncha, Khammam District.
6 The Mandal Revenue Officer, Palvoncha, Khammam District.
7 The Dy.Director Ground Water Mining and Mineral Near Collector Office, Khammam.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus directing the respondents authorities to accord the permission by the respondent No.2 and 4 to lift the sand from petitioner's lands per the upset price and the petitioner prepared to pay the above said price of Rs.45,000/- at the rate of Rs.33 per cum Mtrs., from petitioner patta agriculture land of Rangapuram(V) Paloncha (M) Khammam District and pass such other order or orders.

Counsel for the Petitioner: MR.JOGRAM TEJAVAT

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

The petitioner earlier filed W.P.No.21314 of 2004 seeking a direction to the respondents authorities to accord permission to lift the sand from their agricultural patta lands situated in Rangapuram Village, Paloncha Mandal, Khammam District. This Court, having taken note of the fact that the petitioner had already filed a representation dated 17.11.2004 and the same was pending before the District Level Committee, disposed of the writ petition with a direction to the District Level Committee to consider the representation made by the petitioner in accordance with law and to pass appropriate orders. The petitioner states that in pursuance of the said order, a joint inspection has been conducted by the Divisional Panchayat Officer, Khammam as well as the Deputy Executive Engineer, Irrigation, Sub-Division, Paloncha Mandal, Khammam District. A report has been submitted stating that so far as the land of the petitioner herein is concerned, it is covered with the sand and as per the measurement 72 Meters X 15 Meters X 12 Meters – 1296 Cubic Meters is found and the approximate value of the said deposited sand was assessed as Rs.42,768/- @ 33/- per cubic meter. The petitioner apprehends that on the basis of the said joint inspection report, in which the approximate value was shown as Rs.42,768/-, the respondents are about to fix the upset price and the said land will be put to public auction for granting leasehold rights to the third parties.

The learned Government Pleader for Panchayat Raj, under instructions, states that it is a fact that the joint inspection report was submitted by the Divisional Panchayat Officer. However, the District Level Committee has not yet taken any decision and no notification has been issued so far, for the purpose of notifying the leasehold rights in respect of the land in question.

In the circumstances, the writ petition is disposed of, making it clear that the respondents shall not put the land in question to public auction for lifting the sand deposits thereon without taking a decision in terms of orders of this Court in W.P.No.21314 of 2004 on the basis of the representation made by the petitioner dated 17.11.2004.

The writ petition is accordingly disposed of. No costs.

16.03.2005

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To

1 The Govt., of AP., Rep. by its Prl., Secretary of Commerce and Industries, Secretariat, Hyderabad.
2 The District Level Committee rep. by its Chairman, Z.P.Khammam.
3 The District Collector, Khammam Khammam District.
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7 The Dy.Director Ground Water Mining and Mineral Near Collector Office, Khammam.

8 2 CCs to the G.P. for Civil Supplies, High Court Buildings, Hyderabad. (OUT)

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